



**ST HELENS**  
BOROUGH COUNCIL

**Town Hall, St. Helens, Merseyside, WA10 1HP**

**Telephone: 01744 676109 (Andy Roscoe)**

# **Agenda**

## **LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)**

Date: Wednesday, 30 June 2021      Time: 5.30 pm      Venue: Town Hall

### **Membership**

<b>Lab 11 Councillors</b>	<b>CD Banks (Chair), Barton, Bell, Hattersley, T Long, Maloney MBE, McCormack, McQuade, Pearson, Preston and Uddin</b>
<b>LD 1 Councillor</b>	<b>Pearl</b>
<b>Con 1 Councillor</b>	<b>Jones</b>
<b>Grn 1 Councillor</b>	<b>O'Keefe</b>
<b>Ind 1 Councillor</b>	<b>Tasker</b>

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the meeting held on 29 April 2021</u>	3
3.	<u>Declarations of Interest from Members</u>	

<u>Item</u>	<u>Title</u>	<u>Page</u>
4.	<u>Exclusion of the Public</u>	7

Recommended that the public be excluded from the meeting during consideration of the following item:

Item Reason

- 5 Exempt information in relation to any individual (Para 1 of Schedule 12a)

#### **PRIVATE AGENDA**

5.	<u>Determination of a New Application for a Hackney Carriage/Private Hire Driver's Licence (Ref: CD)</u>	9
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## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on  
29 April 2021

**(Present)**            **Councillor Banks (Chair)**  
**Councillors Bell, Hattersley, Jones, T Long,**  
**Murphy, Pearl, Pearson, Sweeney, Tasker and Uddin**

**(Not Present)**    **Councillors Cunliffe, Maloney, O’Keefe and Pritchard**

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**24    APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cunliffe, Maloney MBE, O’Keefe and Pritchard.

**25    MINUTES**

\*        **Resolved that the minutes of the meeting held on 24 March 2021 be approved.**

**26    DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

**27    LICENSING FEES**

A report was presented to seek Members’ approval of the proposed Licensing Fees for 2021/2022.

The Committee was informed that Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 provide that the Council may adopt reasonable fees for the licensing of hackney carriage and private hire vehicles, drivers and operators, and may vary those fees in accordance with certain statutory provisions.

It was reported that any fees for hackney carriage/private hire drivers’ licences must be reasonable and should not exceed the cost of issue and administration of licences. The Council may charge fees for the grant of vehicle and operators’ licences, including the reasonable costs of inspecting hackney carriage and private hire vehicles to determine whether a licence should be granted/renewed, the reasonable costs of supervision and control of hackney carriage and private hire vehicles, and the reasonable cost of providing hackney carriage stands (ranks).

It was also reported that the current hackney carriage and private hire licensing fees were adopted in March 2019 for the period April 2019 to March 2020. This followed consultation and a detailed review of relevant expenditure.

Due to the impact of the COVID-19 pandemic, Members were advised that the fees for 2020/2021 remained the same as 2019/2020.

Members were advised that there was limited change to the proposed licence fees for 2021/2022 and changes had only been made in areas where it was deemed necessary, as the licensed trade had suffered badly during the COVID-19 pandemic and all authorities in the region lost approximately 20-25% of their drivers and vehicles.

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Members were advised that the proposed fees had been held or costed at a reasonable increase in order to stabilise the industry on its full return and with the country slowly returning to a more normal footing, it is anticipated that numbers within the industry will once again rise.

Members heard that any change to taxi licensing fees for vehicle and operator licences under Section 70 of the Act must be advertised for a period of 28 days. The advertisement of intended fees was published in the St Helens Star on 1 April 2021 and there were no responses to the proposed fees.

- \* **Resolved that approval be granted to the Licensing Manager to introduce the revised fees as set out in the report.**

Councillor T Long here left the meeting.

## 28 **EXCLUSION OF THE PUBLIC**

- \* **Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:**

<u>Minute</u>	<u>Reason (under Local Government Act 1972)</u>
29	<b>Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).</b>

Councillor Tasker here entered the meeting.

## 29 **NEW APPLICATION HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF:FM)**

A report was presented to the Committee in relation to a new application for a Hackney Carriage/Private Hire Driver's Licence (Ref: FM).

Members were informed that in making their application dated 20 November 2020, the Applicant declared two offences on their application, which were confirmed on their Disclosure and Barring Service (DBS) check. The Applicant had a conviction for Battery from 2015 and also an MS90 driving offence from 2015.

Members were also informed that the Applicant had previously been refused a private hire driver's licence by Salford Council in 2017 but failed to declare this, despite there being a specific question about this on the application form.

Copies of the Applicant's application form and information obtained from Salford Council regarding the refusal to issue the Applicant with a licence in 2017 were attached to the report at Appendix A and B respectively.

Additional information provided by the Applicant to support their case had been circulated in advance of the meeting and was also considered by Members.

The Applicant attended the meeting by video link and was given every opportunity to present their case to Members and answer questions. The Applicant's Legal Representative also attended the meeting by audio call and assisted the Applicant with the presentation of their case to Members.

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The Applicant was then invited to sum up their case and was advised that the Committee's decision would be conveyed to them the following day, with a detailed decision letter to follow in due course.

The Applicant, their Legal Representative and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council's Solicitor.

- \* **Resolved that, on the balance of probabilities, the new application for Hackney Carriage/Private Hire Driver's Licence (Ref: FM) be refused as the Committee was not satisfied that FM was a "fit and proper person" to hold a driver's licence pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions Act) 1976 and the Council's Policy.**

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**ST. HELENS COUNCIL  
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND  
OPERATORS LICENCES**

**PROCEDURAL GUIDE**

1. The Chairman of the Committee will open the meeting and invite the Licensing and Land Charges Manager to outline the procedure for dealing with the item.
2. The procedure to be followed will then be explained to all members present.
3. The Licensing and Land Charges Manager will briefly outline the details of the application or the reasons for the referral to the Committee.
4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing and land Charges Manager will outline why the matter has been brought before the Committee for consideration.
5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:
  - (a) Whether a new applicant is a fit and proper person to hold a licence;
  - (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.
6. Members of the Committee will then ask the applicant or licence holder questions.
7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.
8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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